

Remarks

The Examiner stated that this application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 C.F.R. §§ 1.821 (a)(1) and (a)(2). The Examiner stated that however, this application does not comply with the requirements of 37 C.F.R. §§ 1.821-1.825. The Examiner stated that the computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. Therefore, the Examiner stated that applicants must provide a substitute computer readable form (CRF) copy of the "Sequence Listing". Applicants note that a CRF Diskette Problem Report was not provided to applicants.

In response, applicants without conceding the correctness of the Examiner's position but to expedite prosecution of the subject application hereby enclose a **substitute computer diskette** containing the Sequence Listing in computer readable form. In addition, applicants attach hereto as **Exhibit 2** a paper copy of the substitute computer readable form of the Sequence Listing. Applicants also attach hereto as **Exhibit 3** a Statement in Compliance with 37 C.F.R. §1.821(f) certifying that the substitute computer readable form contains the same information as the paper copy of the Sequence Listing attached as Exhibit 2. The Sequence Listing does not contain any new matter.

If a telephone interview would be of assistance in advancing prosecution of the subject application, applicants' undersigned attorney invites the Examiner to telephone her at the number provided below.

No fee is deemed necessary in connection with the filing of this Amendment. However, if any fee is required, authorization is hereby given to charge the large entity amount of such fee to Deposit Account No. 13-2755 referencing attorney docket number 21506YP.

Respectfully submitted,

By Maria V. Marucci
Maria V. Marucci
Reg. No. 59,895
Attorney

MERCK & CO., INC.
P.O. Box 2000
Rahway, New Jersey 07065-0907
(732) 594-5738

EXHIBIT 1



UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Department

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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AUG 05 2009

JUL 15 2009

Maria V. Marucci

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/580,285	05/24/2006	Fang Chen	21506YP	4053

210 7590
MERCK AND CO., INC
P O BOX 2000
RAHWAY, NJ 07065-0907

07/08/2009

EXAMINER

CHEU, CHANGHWA J

ART UNIT

PAPER NUMBER

1641

MAIL DATE

DELIVERY MODE

07/08/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



RECEIVED
MERCK AND CO., INC
2009 JUL 13 4:10:19
FELIX ANNE NOONE



Notice to Comply

Application No.
10580285

Applicant(s)
CHEN, FANG

Examiner
JACOB CHEU

Art Unit
1641

NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- ☐ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
- ☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- ☒ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☐ 7. Other:

Applicant Must Provide:

- ☐ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- ☐ An initial or substitute paper copy of the "Sequence Listing", as well as an amendment specifically directing its entry into the application.
- ☐ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (571) 272-0731 or (571) 272-0951
For CRF Submission Help, call (571) 272-2510
PatentIn Software Program Support
Technical Assistance. 1-866-217-9197 or 703-305-3028 or 571-272-6845
PatentIn Software is Available At www.USPTO.gov

PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR REPLY :

/Jacob Cheu/
Examiner, Art Unit 1641

EXHIBIT 2

EXHIBIT 3